



# WHAT CAN SHOW UP AT THE MEDIATION TABLE



# TEARS

- It is not uncommon for there to be some tears along the way.
- The issues are often sensitive.



# INFORMATION

- New information may be revealed as the mediation progresses.



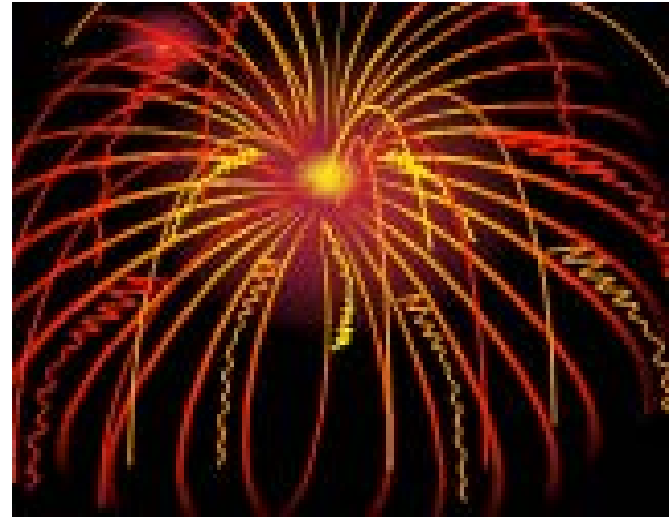
# CHANGE IN DIRECTION

- New information may be revealed that changes the direction of the mediation.
- Sometimes we follow the new direction which sometimes takes us back in the old direction.



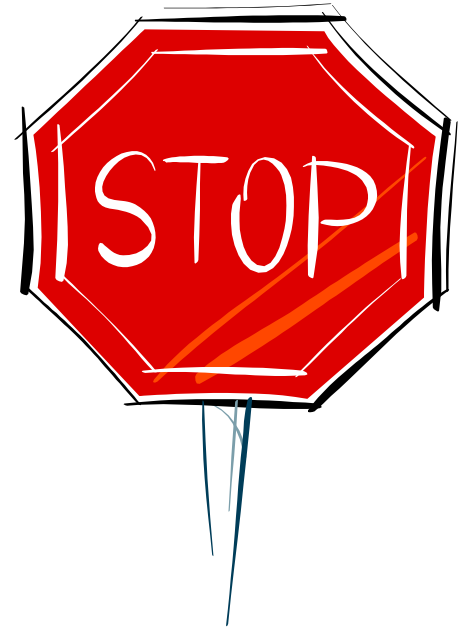
# FIREWORKS

- Fireworks are not always exciting!
- Be prepared, you never know what may show up at the mediation table.



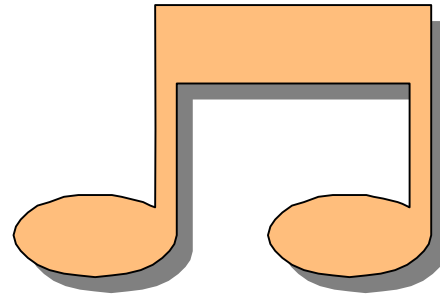
# IMPASSE

- Parties have stopped talking.
- One party is doing all of the talking.
- It is a good time to caucus.



# HARMONY

- We do not always leave singing but harmony may be achieved and a resolution might be reached.



# SHARING LESSONS LEARNED

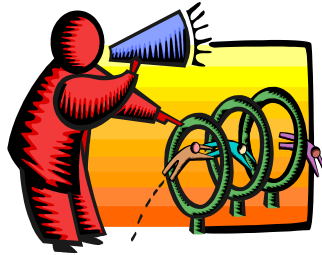
- Mediators bring all that they have acquired from their “mediator tool kit” to the mediation table.
- Each individual brings his or her own story about what is important and why to the table.
- They also bring their own individual needs, desires, concerns and fears.
- In spite of knowing what is on the menu, we really do not know what will show up at the mediation table.





# MEDIATION EXPERIENCE I

In the middle of agenda setting the complainant decides to start telling his or her story all over again.



- What would you do in this case?
- Let the complainant tell their story again without interruption for fear of being rude?
- Take a deep breath, reach deep into your “mediator tool kit,” take control and get the process back on track.

# MEDIATION EXPERIENCE II

The respondent interrupts two times during the opening statement to answer their pager even after you have said to make sure that all telephones, pagers should be turned off.

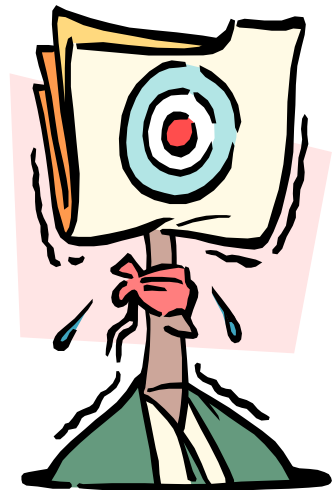
- What would you do in this case?
- Grab the pager and stomp on it?
- Inquire why the respondent deems it necessary to keep the pager on during the session?
- Take a break and ask the respondent to, in all fairness to the process, turn the pager off during the process?



# MEDIATION EXPERIENCE III

The complainant goes through a package of tissues half way through the opening statement.

- What would you do in this case?
- Do a breath check?
- Give the complainant more tissues?
- Break for a caucus and check in with the complainant?





# MEDIATION PITFALLS



As mediators we have to be prepared for whatever shows up at the mediation table. We constantly have to formulate and reformulate as we go through the process. My best lessons learned have been during moments of frustration, uncertainty and yes, even sheer surprise. And, I take a deep breath; realize that this is what live mediation is all about. Mediation still remains a stimulating and satisfying experience.



# TIPS ON TRANSITION

The preliminaries are complete; the mediators opening statement, the agreement to mediate form has been signed, the participants have been commended for agreeing to participate, opening statement, and joint summary has been done. Now what? How would you make the transition to start moving the process along? What would you do? What would you say?



# TIPS ON TRANSITION CONTINUED:

Each mediation is different and each mediator is different. We are still developing our own styles, while at the same time we are definitely working within the framework of the Navy Mediator Model. The transition time is a very delicate time. It can sometimes be the deciding factor to the outcome of the mediation. What really works? Does a little discussion after the joint summary and asking for clarification and then framing the discussion for the parties work?



# OPEN ENDED QUESTIONS

- What are possibilities? (Alternatives)
- What could you do differently? (Background)
- Please explain what you mean by\_\_\_\_\_?  
(Clarification)
- Let's explore that some more. (Exploration)
- Like what? (Example)
- What if you do and what if you do not? (Predictions)
- Please review for me? (Relation)



*Open Ended Questions from the Tier III Training in June of 2003.*

# IN SYNC WITH THE MENTOR MEDIATOR



Michael Lange, noted author of “Out of the Rut and Into the Groove...., *wrote “even if the problems are challenging and the conflict is intense, we do not necessarily see them as difficult. The conversation is relaxed, responsive and productive. We are competent and effective. There is clarity about what is taking place”.*



# IN SYNC WITH THE MENTOR MEDIATOR



There are a lot of things happening all at once during the mediation process. Even though we have a variety of skills and strategies we have to know when and how to use them. Then we are able to get involved in the matter at hand, concentrate on the moment, not worry about what our role is in the mediation and effortlessly carry out the process...it is then that we become in sync with the mentor mediator. Without any effort we are able to anticipate what the move will be by the mentor mediator without a signal or even a clue. How do you feel When you are in sync with the mentor mediator?